



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Twenty-seventh Meeting Day

Monday Afternoon

March 10, 2008

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for health and well-being (printed November 20, 2007).

The Pledge of Allegiance to the Flag was led by Representative Gregory E. Steuerwald.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle
Avery	Hoy
Bardon	Kersey
Bartlett	Klinker
Battles	Knollman
Behning <input checked="" type="checkbox"/>	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays <input checked="" type="checkbox"/>
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson
Dermody	Ripley
Dobis	Robertson
Dodge	Ruppel
Duncan	Saunders
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Stutzman
Goodin	Summers
Grubb	Thomas <input checked="" type="checkbox"/>
Gutwein	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner

Tyler
Ulmer
VanDenburgh
VanHaaften

Walorski
Welch
Wolkins
Mr. Speaker

Roll Call 307: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☒ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 13, 2008, at 10:00 a.m.

COCHRAN

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 104, 107, 159, 175, 189, 192, 197, 241, 257, 316, 336, and 343 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 104, 107, 159, 175, 189, 192, 197, 241, 257, 316, 336, and 343 on March 7.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1111-1; filed March 7, 2008, at 8:25 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1111 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 2. IC 36-2-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) This section does not apply to:

- (1) an instrument executed before November 4, 1943;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate; or
- (4) an instrument executed or acknowledged outside Indiana.

(b) Whenever this section prescribes that the name of a person be printed, typewritten, or stamped immediately beneath his the person's signature, the signature must be written on the

instrument, directly preceding the printed, typewritten, or stamped name, and may not be superimposed on that name so as to render either illegible. However, the instrument may be received for record if the name and signature are, in the discretion of the county recorder, placed on the instrument so as to render the connection between the two apparent.

(c) **Except as provided in subsection (d),** the recorder may receive for record an instrument only if **all of the following requirements are met:**

(1) The name of each person who executed the instrument is legibly printed, typewritten, or stamped immediately beneath ~~his~~ **the person's** signature or the signature itself is printed, typewritten, or stamped.

(2) The name of each witness to the instrument is legibly printed, typewritten, or stamped immediately beneath ~~his~~ **the signature of the witness** or the signature itself is printed, typewritten, or stamped.

(3) The name of each notary public whose signature appears on the instrument is legibly printed, typewritten, or stamped immediately beneath ~~his~~ **the signature of the notary public** or the signature itself is printed, typewritten, or stamped. ~~and~~

(4) The name of each person who executed the instrument appears identically in the body of the instrument, in the acknowledgment or jurat, in ~~his~~ **the person's** signature, and beneath ~~his~~ **the person's** signature.

(5) If the instrument is a copy, the instrument is marked "Copy".

~~or if subsection (d) is complied with:~~

(d) The recorder may receive for record an instrument that does not comply with subsection (c) if **all of the following requirements are met:**

(1) A printed or typewritten affidavit of a person with personal knowledge of the facts is recorded with the instrument.

(2) The affidavit complies with this section.

(3) The affidavit states the correct name of a person, if any, whose signature cannot be identified or whose name is not printed, typewritten, or stamped on the instrument as prescribed by this section. ~~and~~

(4) When the instrument does not comply with subsection (c)(4), the affidavit states the correct name of the person and states that each of the names used in the instrument refers to the person.

(5) If the instrument is a copy, the instrument is marked "Copy".

(e) The recorder ~~may~~ **shall** record a document presented for recording or a copy produced by a photographic process of the document presented for recording if:

(1) the document complies with other statutory recording requirements; and

(2) the document or copy will produce a clear and unobstructed copy.

All copies accepted for recording shall be marked as copies by the recorder:

(f) An instrument, document, or copy received and recorded by a county recorder is conclusively presumed to comply with this section. **A recorded copy shall have the same effect as if the original document had been recorded."**

Delete page 3.

(Reference is to EHB 1111 as printed February 8, 2008.)

KLINKER	C. LAWSON
FOLEY	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 72-1; filed March 10, 2008, at 12:38 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 72 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. **(a) The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and ~~his~~ **the treasurer's** deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state.

SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.2-2007, SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police reserve officer.

(8) A conservation enforcement officer.

(9) A town marshal.

(10) A deputy town marshal.

(11) A probation officer.

(12) A state ~~university, college, or junior college~~ **educational institution** police officer appointed under ~~IC 20-12-3.5; IC 21-39-4.~~

(13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

(14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

(17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(18) A gaming agent of the Indiana gaming commission.

(19) A person who is:

(A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) *A gaming control officer of the Indiana gaming commission.*

(21) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

SECTION 3. IC 5-10-10-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) As used in this section, "eligible chaplain" means an individual who is appointed or officially designated to serve, with or without compensation, as a chaplain of any of the following:

- (1) A law enforcement agency (as defined in IC 4-33-2-11.6).
- (2) A full-time police department of a political subdivision (as defined in IC 36-1-2-13).
- (3) A full-time fire department of a political subdivision (as defined in IC 36-1-2-13).
- (4) A volunteer fire department (as defined in IC 36-8-12-2).
- (5) A sheriff's department of a county.

(b) An eligible chaplain who dies as a direct result of personal injury or illness resulting from the eligible chaplain's performance of duties as a chaplain for the agency or department that the eligible chaplain was appointed or officially designated to serve is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund.

SECTION 4. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or
- (3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual is vested for purposes of this article if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 5. IC 5-10.2-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) For a member who retires after June 30, 2008, with service in more than one (1) retirement fund, the last retirement fund in which the member rendered service may choose at the time the member files an application for retirement benefits whether to retire from the Indiana state teachers' retirement fund or from the public employees' retirement fund. The fund that the member chooses shall pay the retirement benefits to the member. The pension shall be computed and vested status shall be determined on the basis of combined creditable service. The annuity, if any, shall be computed on the basis of amounts

credited to the member in annuity savings accounts in all funds minus any amount withdrawn by the member under IC 5-10.2-3-6.5. The funds in which the employee was a member shall pay to the fund responsible for payment of benefits:

- (1) the amount credited to him the member in the annuity savings account; and
- (2) the proportionate actuarial cost of his the member's pension.

(b) A member of the Indiana state teachers' retirement fund who has served as a member of the general assembly and who retires after June 30, 1980, may choose at his the member's retirement date whether to retire from the Indiana state teachers' retirement fund or from the public employees' retirement fund. If he the member chooses to retire from the public employees' retirement fund, that fund is responsible for the payment of benefits provided in IC 5-10.2-4, and the Indiana state teachers' retirement fund shall pay to the public employees' retirement fund:

- (1) the amount credited to that member in the annuity savings account in the Indiana state teachers' retirement fund; and
- (2) the proportionate actuarial cost of his the member's pension.

SECTION 6. IC 5-10.2-3-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.2. (a) A member who has earned at least ten (10) years of service in a position covered by PERF, TRF, or a combination of the two (2) funds may purchase one (1) year of service credit for each five (5) years of service that the member has completed in a position covered by PERF or TRF.

(b) Before a member retires, a member who desires to purchase additional service credit under subsection (a) must contribute to the fund as follows:

- (1) Contributions that are equal to the product of the following:

(A) The member's salary at the time the member actually makes a contribution for the service credit.

(B) A rate, determined by the actuary for the fund, that is based on the age of the member at the time the member actually makes a contribution for the service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(C) The number of years of service credit the member intends to purchase.

- (2) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(c) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for the purpose of computing benefits unless the member has made all payments required for the purchase of the service credit.

(4) To the extent permitted by the Internal Revenue Code and applicable regulations, a member may purchase service credit under this section by a rollover distribution to the fund from any of the following:

(A) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(B) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(C) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(D) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(d) A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly benefit may withdraw the purchase amount, plus accumulated interest, after submitting a properly completed application for a refund to the fund. However, the member must also apply for a refund of the member's entire annuity savings account under section 6 or 6.5 of this chapter to be eligible for a refund of the member's rollover amount.

(e) For a member who is a state employee, the employer may pay all or a part of the member contributions required for the purchase of service credit under this section. In that event, the actuary shall determine the amortization, and subsections (c)(1), (c)(3), (c)(4), and (d) do not apply.

(f) For a member who is an employee of a participating political subdivision, the employer may adopt an ordinance to pay all or a part of the member contributions required for the purchase of service credit under this section. In that event, the actuary shall determine the amortization, and subsections (c)(1), (c)(3), (c)(4), and (d) do not apply.

SECTION 7. IC 5-10.2-3-6.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. **(a) This section applies to a member of the Indiana state teachers' retirement fund.**

(b) A member who:

- (1) has attained vested status in the fund;
- (2) has terminated employment;
- (3) has not begun receiving benefits; and
- (4) is transferring creditable service earned under ~~PERF~~ or TRF to another governmental retirement plan under section 1(i) of this chapter;

may suspend the member's membership and withdraw the member's annuity savings account to purchase creditable service in the other governmental retirement plan.

SECTION 8. IC 5-10.2-3-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.5. **(a) This section applies after December 31, 2008, to a member of the public employees' retirement fund.**

(b) A member who meets all of the following requirements may elect to withdraw the entire amount in the member's annuity savings account before the member is eligible to do so at retirement under IC 5-10.2-4-2:

- (1) The member has attained vested status in the fund.
- (2) The member terminates employment.
- (3) The member has not performed any service in a position covered by the fund for at least ninety (90) days after the date the member terminates employment.

(c) A member who elects to withdraw the entire amount in the member's annuity savings account under subsection (b) shall provide notice of the election on a form provided by the board.

(d) The election to withdraw the entire amount in the member's annuity savings account is irrevocable.

(e) The board shall pay the amount in the member's annuity savings account as a lump sum.

(f) Except as provided in subsection (g), a member who makes a withdrawal under this section is entitled to receive, when the member becomes eligible to receive a retirement benefit under IC 5-10.2-4, a retirement benefit equal to the pension provided by employer contributions computed under IC 5-10.2-4.

(g) A member who:

(1) transfers creditable service earned under the fund to another governmental retirement plan under section 1(i) of this chapter; and

(2) withdraws the member's annuity savings account under this section to purchase the service;

may not use the transferred service in the computation of a retirement benefit payable under subsection (f).

SECTION 9. IC 5-10.2-4-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.3. **(a) A member who files an application for retirement benefits must provide the following information on the application form:**

(1) The retirement date chosen by the member.

(2) If the member has not elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5, whether the member chooses:

- (A) an annuity purchased from the amount credited to the member in the annuity savings account;
- (B) a total or partial distribution from the annuity savings account under section 2(b) of this chapter; or
- (C) a deferral of the payment of any benefits from the annuity savings account under section 2(c) of this chapter.

(3) The name of the beneficiary or beneficiaries designated by the member with respect to the pension portion of the member's retirement benefit.

(4) The name of the beneficiary or beneficiaries designated by the member with respect to the annuity portion of the member's retirement benefit, unless the member chooses total distribution under section 2 of this chapter.

(b) A member's designation of beneficiaries in the application for retirement benefits supersedes any previous designation of beneficiaries by the member.

(c) A member must indicate the name, address, date of birth, and Social Security number of each designated beneficiary and provide proof of birth of each designated beneficiary.

(d) Each board shall adopt a form for the application for retirement benefits that meets the requirements of this section.

SECTION 10. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.9. **(a) This section applies only to a member of the public employees' retirement fund:**

(1) who has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) whose term of office as a state officer commenced after the election held on November 5, 2002.

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

(1) has:

(A) served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana for at least eight (8) years; or

(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted to establish uniform dates for beginning the terms of state officers listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.

(c) A member who:

(1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) does not meet the requirements of subsection (b);

is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter.

SECTION 11. IC 5-10.2-4-2, AS AMENDED BY P.L.62-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Unless a member elects otherwise under this section **or has elected to withdraw the member's annuity savings account under IC 5-10.2-3-6.5**, the retirement benefit for each member consists of the sum of a pension provided by employer contributions plus an annuity provided by the amount credited to the member in the annuity savings account. **If a member has elected to withdraw the member's annuity savings account under IC 5-10.2-3-6.5, the member's retirement benefit is equal to the pension provided by employer contributions, unless the member has transferred the creditable service earned under the public employees' retirement fund to another governmental retirement plan under IC 5-10.2-3-1(i).**

(b) **If a member has not elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5**, a member may choose at retirement or upon a disability retirement to receive a distribution of:

- (1) the entire amount credited to the member in the annuity savings account; or
- (2) an amount equal to the member's federal income tax basis in the member's annuity savings account balance as it existed on December 31, 1986.

If the member chooses to receive the distribution under subdivision (1), the member is not entitled to an annuity as part of the retirement or disability benefit. If the member chooses to receive the distribution under subdivision (2), the member is entitled to an annuity purchasable by the amount remaining in the member's annuity savings account after the payment under subdivision (2).

(c) Instead of choosing to receive the benefits described in subsection (a) or (b), **if a member has not elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5**, a member may choose upon retirement or upon disability retirement to begin receiving a pension provided by employer contributions and to defer receiving in any form the member's annuity savings account. If a member chooses this option, the member:

- (1) is not entitled to an annuity as part of the member's retirement or disability benefit, and the member's annuity savings account will continue to be invested according to the member's direction under IC 5-10.2-2-3; and
- (2) may later choose, as of the first day of a month, or an alternate date established by the rules of each board, to receive a distribution of:
 - (A) the entire amount credited to the member in the annuity savings account; or
 - (B) an amount equal to the member's federal income tax basis in the member's annuity savings account balance as it existed on December 31, 1986.

If the member chooses to receive the distribution under subdivision (2)(A), the member is not entitled to an annuity as part of the member's retirement or disability benefit. If the member chooses to receive the distribution under subdivision (2)(B), the member is entitled to an annuity purchasable by the amount remaining in the member's annuity savings account after the payment under subdivision (2)(B). If the member does not choose to receive a distribution under this subsection, the member is entitled to an annuity purchasable by the entire amount in the member's annuity savings account, and the form of the annuity shall be as described in subsection (d) unless the member elects an option described in section 7(b)(1), 7(b)(2), or 7(b)(4) of this chapter. The amount to be paid under this section shall be determined in the manner described in IC 5-10.2-2-3, except that it shall be determined as of the last day of the quarter

preceding the member's actual distribution or annuitization date. However, each board may by rule provide for an alternate valuation date.

(d) Retirement benefits must be distributed in a manner that complies with Section 401(a)(9) of the Internal Revenue Code, as specified in IC 5-10.2-2-1.5.

SECTION 12. IC 5-10.2-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The computation of benefits under this section is subject to IC 5-10.2-2-1.5.

(b) For retirement benefits payable on and after July 1, 1975, for a member retired on and after January 1, 1956, the pension (p) is computed as follows:

STEP ONE: Multiply one and one-tenths percent (1.1%) times the average of the annual compensation (aac) and obtain a product.

STEP TWO: To obtain the pension, multiply the STEP ONE product by the total creditable service (scr) completed by the member on his the member's retirement date.

Expressed mathematically:

$$p = (.011) \text{ times } (aac) \text{ times } (scr)$$

(c) Unless the member:

(1) has chosen a lump sum payment under section 2-2(b) of this chapter; **or**

(2) **has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5; or**

(3) elects to defer receiving in any form the member's annuity savings account under section 2(c) of this chapter; the annuity is the amount purchasable on the member's retirement date by the amount credited to the member in the annuity savings account. The amount purchasable is based on actuarial tables adopted by the board under IC 5-10.2-2-10 at an interest rate determined by the board.

SECTION 13. IC 5-10.2-4-7, AS AMENDED BY P.L.149-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later. A member may select in writing any of the following nonconflicting options for the payment of the member's retirement benefits instead of the five (5) year guaranteed retirement benefit payments. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under sections 4, 5, and 6 of this chapter. **A member who has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5 may not select the cash refund annuity option.**

(1) Joint and Survivor Option.

(A) The member receives a decreased retirement benefit during the member's lifetime, and there is a benefit payable after the member's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the member, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.

(B) If the member dies before retirement, the designated beneficiary may receive only the amount credited to the member in the annuity savings account unless the designated beneficiary is entitled to survivor benefits under IC 5-10.2-3.

(C) If the designated beneficiary dies before the member retires, the selection is automatically canceled and the member may make a new beneficiary election and may elect a different form of benefit under this subsection.

(2) Benefit with No Guarantee. The member receives an increased lifetime retirement benefit without the five (5)

year guarantee specified in this subsection.

(3) Integration with Social Security. If the member retires before the age of eligibility for Social Security benefits, in order to provide a level benefit during the member's retirement the member receives an increased retirement benefit until the age of Social Security eligibility and decreased retirement benefits after that age.

(4) Cash Refund Annuity. The member receives a lifetime annuity purchasable by the amount credited to the member in the annuity savings account, and the member's designated beneficiary receives a refund payment equal to:

(A) the total amount used in computing the annuity at the retirement date; minus

(B) the total annuity payments paid and due to the member before the member's death.

(c) This subsection does not apply to a member of the Indiana state teachers' retirement fund after June 30, 2007. If:

(1) the designated beneficiary dies while the member is receiving benefits; or

(2) the member is receiving benefits, the member marries, either for the first time or following the death of the member's spouse, after the member's first benefit payment is made, and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary;

the member may elect to change the member's designated beneficiary or form of benefit under subsection (b) and to receive an actuarially adjusted and recalculated benefit for the remainder of the member's life or for the remainder of the member's life and the life of the newly designated beneficiary. The member may not elect to change to a five (5) year guaranteed form of benefit. If the member's new election is the joint and survivor option, the member shall indicate whether the designated beneficiary's benefit shall equal, at the option of the member, either the member's full recalculated retirement benefit or two-thirds (2/3) or one-half (1/2) of this benefit. The cost of recalculating the benefit shall be borne by the member and shall be included in the actuarial adjustment.

(d) Except as provided in subsection (c) or section 7.2 of this chapter, a member who files for regular or disability retirement may not change:

(1) the member's retirement option under subsection (b);

(2) the selection of a lump sum payment under section 2 of this chapter; or

(3) the beneficiary designated on the member's application for benefits if the member selects the joint and survivor option under subsection (b)(1);

after the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

(e) A member may direct that the member's retirement benefits be paid to a revocable trust that permits the member unrestricted access to the amounts held in the revocable trust. The member's direction is not an assignment or transfer of benefits under IC 5-10.3-8-10 or IC 5-10.4-5-14.

SECTION 14. IC 5-13-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), investments under this chapter may be made only in securities having a stated final maturity of two (2) years or less from the date of purchase.

(b) The treasurer of state may make investments in securities having a final maturity or redemption date that is more than two (2) years and not more than five (5) years after the date of purchase or subscription. After an investment is made under this subsection, the total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the treasurer of state. However, an investment that complies with this subsection when the

investment is made remains legal even if a subsequent decrease in the total portfolio invested by the treasurer of state causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%). The treasurer of state may contract with federally regulated investment advisers and other institutional money managers to make investments under this section. ~~This subsection expires July 1, 2007.~~

(c) Unless prohibited under federal law, the treasurer of state shall invest under subsection (b) the funds of the transportation corridor fund established by IC 8-4.5-3-7. The treasurer of state may invest other funds held by the state in compliance with subsection (b). ~~This subsection expires July 1, 2007.~~

SECTION 15. [EFFECTIVE UPON PASSAGE] **Actions taken after June 30, 2007, and before the passage of this act that would have been valid under IC 5-13-10.5-3, as amended by this act, are legalized and validated.**

SECTION 16. **An emergency is declared for this act.**

(Reference is to ESB 72 as printed February 8, 2008.)

KRUSE	NIEZGODSKI
TALLIAN	BUELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 157-1; filed March 10, 2008, at 12:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 157 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-135.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 135.6. "Opioid treatment program" means a program through which opioid agonist medication is dispensed to an individual in the treatment of opiate addiction and for which certification is required under 42 CFR Part 8.**

SECTION 2. IC 12-23-18-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. (a) An opioid treatment program shall not operate in Indiana unless:**

(1) the opioid treatment program is specifically approved and the opiate treatment facility is certified by the division; and

(2) the opioid treatment program is in compliance with state and federal law.

(b) Separate specific approval and certification under this chapter is required for each location at which an opioid treatment program is operated.

SECTION 3. IC 12-23-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Subject to federal law and consistent with standard medical practice in ~~methadone~~ opioid treatment of drug abuse, the division shall adopt rules under IC 4-22-2 to establish and administer a ~~methadone~~ **an opioid treatment** diversion control and oversight program to identify individuals who divert ~~controlled substances~~ **opioid treatment medications** from legitimate treatment use and to terminate the ~~methadone~~ **opioid** treatment of those individuals.

(b) Rules adopted under subsection (a) must include provisions relating to the following matters concerning

methadone providers opioid treatment programs and individuals patients who receive opioid treatment:

- (1) Regular clinic attendance by the patient.
- (2) Specific counseling requirements for the methadone provider opioid treatment program.
- (3) Serious behavior problems of the patient.
- (4) Stable home environment of the patient.
- (5) Safe storage capacity of opioid treatment medications within the patient's home.
- (6) Medically recognized testing protocols to determine legitimate opioid treatment medication use.
- (7) The methadone provider's opioid treatment program's medical director and administrative staff responsibilities for preparing and implementing a diversion control plan.

SECTION 4. IC 12-23-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Not later than February 28 of each year, each methadone provider opioid treatment program must submit to the division a diversion control plan required under that:

- (1) meets the requirements of section ~~1(b)(7)~~ 1 of this chapter; and
- (2) includes in the opioid treatment program's diversion control plan the program's drug testing procedure for testing a patient during the patient's treatment by the program as required by section 2.5 of this chapter.

(b) Not later than May 1 of each year, the division shall review and approve plans a plan submitted under subsection (a).

(c) If the division denies a plan submitted under subsection (a), the methadone provider opioid treatment program must submit another plan not later than sixty (60) days after the denial of the plan.

SECTION 5. IC 12-23-18-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) An opioid treatment program must periodically and randomly test, including before receiving treatment, a patient for the following during the patient's treatment by the program:

- (1) Methadone.
- (2) Cocaine.
- (3) Opiates.
- (4) Amphetamines.
- (5) Barbiturates.
- (6) Tetrahydrocannabinol.
- (7) Benzodiazepines.
- (8) Any other suspected or known drug that may have been abused by the patient.

(b) If a patient tests positive under a test described in subsection (a) for:

- (1) a controlled substance other than a drug for which the patient has a prescription or that is part of the patient's treatment plan at the opioid treatment program; or
- (2) an illegal drug other than the drug that is part of the patient's treatment plan at the opioid treatment program;

the opioid treatment program and the patient must comply with the requirements under subsection (c).

(c) If a patient tests positive under a test for a controlled substance or illegal drug that is not allowed under subsection (b), the following conditions must be met:

- (1) The opioid treatment program must refer the patient to the onsite physician for a clinical evaluation that must be conducted not more than ten (10) days after the date of the patient's positive test. The physician shall consult with medical and behavioral staff to conduct the evaluation. The clinical evaluation must recommend a remedial action for the patient that may include discharge from the opioid treatment program or amending the treatment plan to require a higher level of supervision.

(2) The opioid treatment program may not allow the patient to take any opioid treatment medications from the treatment facility until the patient has completed a clinical assessment under subdivision (1) and has passed a random test. The patient must report to the treatment facility daily, except when the facility is closed, until the onsite physician, after consultation with the medical and behavioral staff, determines that daily treatment is no longer necessary.

(3) The patient must take a weekly random test until the patient passes a test under subsection (b).

(d) An opioid treatment program must conduct all tests required under this section in an observed manner to assure that a false sample is not provided by the patient.

SECTION 6. IC 12-23-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) By May 15 of each year, each methadone provider opioid treatment program shall submit to the division a fee of: twenty dollars (\$20) for each nonresident patient that is:

- (1) an amount established by the division by rule under IC 4-22-2;
- (2) not more than necessary to recover the costs of administering this chapter; and
- (3) not more than seventy-five dollars (\$75) for each opioid treatment program patient who was treated by the methadone provider opioid treatment program during the preceding calendar year.

(b) The fee collected under subsection (a) shall be deposited in the methadone diversion control and oversight program fund established under section 4 of this chapter.

SECTION 7. IC 12-23-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) As used in this section, "fund" means the methadone diversion control and oversight opioid treatment program fund established under subsection (b).

(b) The methadone diversion control and oversight opioid treatment program fund is established to administer and carry out the purposes of implement this chapter. The fund shall be administered by the division.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest money in the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 8. IC 12-23-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) The division shall adopt rules under IC 4-22-2 to establish the following:

(1) Standards for operation of an opioid treatment program in Indiana, including the following requirements:

(A) An opioid treatment program shall obtain prior authorization from the division for any patient receiving more than fourteen (14) days of opioid treatment medications at one (1) time.

(B) Minimum requirements for a licensed physician's regular:

(i) physical presence in the opioid treatment facility; and

(ii) physical evaluation and progress evaluation of each opioid treatment program patient.

(C) Minimum staffing requirements by licensed and unlicensed personnel.

(D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication.

(2) A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 291 and 42 CFR Part

8 be submitted for each opioid treatment facility.

(3) Fees to be paid by an opioid treatment program for deposit in the fund for annual certification under this chapter as described in section 3 of this chapter.

The fees established under this subsection must be sufficient to pay the cost of implementing this chapter.

(b) The division shall conduct an annual onsite visit of each ~~methadone provider~~ opioid treatment program facility to assess compliance with the plan approved under this chapter.

SECTION 9. IC 12-23-18-5.5, AS ADDED BY P.L.210-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) The division may not grant specific approval to be a new opioid treatment program. This section does not apply to applications for new opioid treatment programs pending prior to March 1, 2007.

(b) This section expires December 31, 2008.

SECTION 10. IC 12-23-18-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.6. (a) The division shall establish a central registry to maintain information concerning each patient served by an opioid treatment program.

(b) An opioid treatment program shall, at least monthly, provide to the division information required by the division concerning patients currently served by the opioid treatment program.

(c) Information that could be used to identify an opioid treatment program patient and that is:

(1) contained in; or

(2) provided to the division and related to;

the central registry is confidential.

SECTION 11. IC 12-23-18-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.7. (a) The division shall, as part of the biennial report required under IC 12-21-5-1.5(8), prepare and submit to the legislative council in an electronic format under IC 5-14-6, the state department of health, and the governor a report concerning treatment offered by opioid treatment programs. The report must contain the following information for each of the two

(2) previous calendar years:

(1) The number of opioid treatment programs in Indiana.

(2) The number of patients receiving opioid treatment in Indiana.

(3) The length of time each patient received opioid treatment and the average length of time all patients received opioid treatment.

(4) The cost of each patient's opioid treatment and the average cost of opioid treatment.

(5) The number of patients who were determined to be no longer in need of services and are no longer receiving opioid treatment.

(6) The number of individuals, by geographic area, who are on a waiting list to receive opioid treatment.

(7) The patient information reported to the central registry established under section 5.6 of this chapter.

(8) Any other information that the division determines to be relevant to the success of a quality opioid treatment program.

(9) The number of patients who tested positive under a test for a controlled substance or illegal drug not allowed under section 2.5(b) of this chapter.

(b) Each opioid treatment program in Indiana shall provide information requested by the division for the report required by this section.

(c) Failure of an opioid treatment program to submit the information required under subsection (a) may result in suspension or termination of the opioid treatment program's

specific approval to operate as an opioid treatment program or the opioid treatment facility's certification.

(d) Information that could be used to identify an opioid treatment program patient and that is:

(1) contained in; or

(2) provided to the division related to;

the report required by this section is confidential.

SECTION 12. IC 12-23-18-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.8. (a) The director of the division may take any of the following actions based on any grounds described in subsection (b):

(1) Issue a letter of correction.

(2) Reinspect an opioid treatment program facility.

(3) Deny renewal of, or revoke, any of the following:

(A) Specific approval to operate as an opioid treatment program.

(B) Certification of an opioid treatment facility.

(4) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(b) The director of the division may take action under subsection (a) based on any of the following grounds:

(1) Violation of this chapter or rules adopted under this chapter.

(2) Permitting, aiding, or abetting the commission of any illegal act in an opioid treatment program facility.

(3) Conduct or practice found by the director to be detrimental to the welfare of an opioid treatment program patient.

(c) IC 4-21.5 applies to an action under this section.

SECTION 13. IC 12-23-18-6 IS REPEALED [EFFECTIVE JULY 1, 2008].

(Reference is to ESB 157 as reprinted February 27, 2008.)

MILLER

STEMLER

SIPES

T. BROWN

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 42-1; filed March 10, 2008, at 12:41 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 42 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-26-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The commission shall do the following:

(1) Determine whether the contractor for the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of the contractor's contract with the state.

(2) Determine whether a managed care organization that has contracted with the office to provide Medicaid services has properly performed the terms of the managed care organization's contract with the state.

(2) (3) Study and propose legislative and administrative

procedures that could help reduce the amount of time needed to process Medicaid claims and eliminate reimbursement backlogs, delays, and errors.

~~(3)~~ (4) Oversee the implementation of a case mix reimbursement system developed by the office and designed for Indiana Medicaid certified nursing facilities.

~~(4)~~ (5) Study and investigate any other matter related to Medicaid.

~~(5)~~ (6) Study and investigate all matters related to the implementation of the children's health insurance program established by IC 12-17.6.

SECTION 2. IC 12-8-1-10, AS AMENDED BY P.L.234-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)]: Sec. 10. This chapter expires January 1, ~~2008~~ 2010.

SECTION 3. IC 12-8-2-12, AS AMENDED BY P.L.234-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)]: Sec. 12. This chapter expires January 1, ~~2008~~ 2010.

SECTION 4. IC 12-8-6-10, AS AMENDED BY P.L.234-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)]: Sec. 10. This chapter expires January 1, ~~2008~~ 2010.

SECTION 5. IC 12-8-8-8, AS AMENDED BY P.L.234-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)]: Sec. 8. This chapter expires January 1, ~~2008~~ 2010.

SECTION 6. IC 12-15-12-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. (a) Not later than January 1, 2011, the following must be accredited by the National Committee for Quality Assurance or its successor:

- (1) A managed care organization that has contracted with the office before July 1, 2008, to provide Medicaid services under the risk based managed care program.
- (2) A behavioral health managed care organization that has contracted before July 1, 2008, with a managed care organization described in subdivision (1).

(b) A:

- (1) managed care organization that has contracted with the office after June 30, 2008, to provide Medicaid services under the risk based managed care program; or

- (2) behavioral health managed care organization that has contracted after June 30, 2008, with a managed care organization described in subdivision (1);

must begin the accreditation process and obtain accreditation by the National Committee for Quality Assurance or its successor at the earliest time that the National Committee for Quality Assurance allows a managed care organization to be accredited.

SECTION 7. IC 12-15-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. A:

- (1) managed care organization that has a contract with the office to provide Medicaid services under the risk based managed care program; or
- (2) behavioral health managed care organization that has contracted with a managed care organization described in subdivision (1);

shall accept, receive, and process claims for payment that are filed electronically by a Medicaid provider.

SECTION 8. IC 2-5-26-15 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 9. [EFFECTIVE DECEMBER 31, 2007 (RETROACTIVE)] Actions taken under IC 12-8-1, IC 12-8-2,

IC 12-8-6, and IC 12-8-8 after December 31, 2007, and before the passage of this act are legalized and validated to the extent that those actions would have been legal and valid if this act had been enacted before January 1, 2008.

SECTION 10. An emergency is declared for this act.

(Reference is to ESB 42 as reprinted February 15, 2008.)

MILLER

SIPES

Senate Conferees

C. BROWN

FRIZZELL

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 164-1; filed March 10, 2008, at 12:41 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 164 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-134 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 134. "Office" means the following:

- (1) Except as provided in subdivisions (2) ~~and (3)~~; **through (4)**, the office of Medicaid policy and planning established by IC 12-8-6-1.

- (2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

- (3) **For purposes of IC 12-15-13, the meaning set forth in IC 12-15-13-0.4.**

- ~~(3)~~ (4) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

SECTION 2. IC 12-15-13-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.4. As used in this chapter, "office" includes the following:

- (1) The office of Medicaid policy and planning.

- (2) A managed care organization that has contracted with the office of Medicaid policy and planning under this article.

- (3) A person that has contracted with a managed care organization described in subdivision (2).

SECTION 3. IC 12-17.6-3-2, AS AMENDED BY P.L.218-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) To be eligible to enroll in the program, a child must meet the following requirements:

- (1) The child is less than nineteen (19) years of age.

- (2) The child is a member of a family with an annual income of:

- (A) more than one hundred fifty percent (150%); and

- (B) not more than:

- (i) three hundred percent (300%); or

- (ii) **the maximum percentage approved by the federal Centers for Medicare and Medicaid Services if the approved amount is less than three hundred percent (300%);**

of the federal income poverty level.

- (3) The child is a resident of Indiana.

- (4) The child meets all eligibility requirements under Title

XXI of the federal Social Security Act.

(5) The child's family agrees to pay any cost sharing amounts required by the office.

(b) The office may adjust eligibility requirements based on available program resources under rules adopted under IC 4-22-2.

SECTION 4. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.

(b) As used in this SECTION, "plan" refers to the Indiana check-up plan established by IC 12-15-44.2.

(c) As used in this SECTION, "qualified individual" refers to an individual who meets all of the Indiana check-up plan requirements under IC 12-15-44.2-9 except for the household income limitation set forth in IC 12-15-44.2-9(a)(3).

(d) During the 2008 interim, the commission shall study the feasibility and costs of allowing qualified individuals to participate in the plan if the state does not provide funding for coverage of the qualified individual.

(e) This SECTION expires December 31, 2008.

(Reference is to ESB 164 as reprinted February 13, 2008.)

MILLER	C. BROWN
SIPES	T. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1042 because it conflicts with HEA 1062-2008 without properly recognizing the existence of HEA 1062-2008, has had Engrossed House Bill 1042 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1042 be corrected as follows:

Page 3, line 26, delete "IC 24-4-16" and insert "IC 24-4-16.4".

Page 3, line 29, delete "16." and insert "16.4".

Page 4, line 14, delete "IC 24-4-16.4," and insert "IC 24-4-16.4.4,".

(Reference is to EHB 1042 as printed February 22, 2008.)

PELATH, Chair
FOLEY, R.M.M.
GOODIN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 81 because it conflicts with SEA 307-2008 without properly recognizing the existence of SEA 307-2008, has had Engrossed Senate Bill 81 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 81 be corrected as follows:

Page 2, line 9, after "IC 9-17-3-3" insert ", AS AMENDED BY SEA 307-2008, SECTION 4,".

Page 3, line 13, delete "bureau" and insert "secretary of state".

Page 9, line 9, delete "IC 36-2-13-17" and insert "IC 36-2-13-17.4".

Page 9, line 11, delete "17." and insert "17.4".

(Reference is to ESB 81 as printed February 22, 2008.)

PELATH, Chair
FOLEY, R.M.M.
HERRELL, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 176 because it conflicts with SEA 190-2008 without properly recognizing the existence of SEA 190-2008, has had Engrossed Senate Bill 176 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 176 be corrected as follows:

Page 2, line 22, delete "P.L.1-2006," and insert "SEA 190-2008, SECTION 29,".

Page 2, line 23, delete "SECTION 207,".

Page 2, line 40, delete "IC 15-9-4-1." and insert "IC 15-11-4-1.".

(Reference is to ESB 176 as printed February 8, 2008.)

PELATH, Chair
FOLEY, R.M.M.
BISCHOFF, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 360 because it conflicts with SEA 190-2008 without properly recognizing the existence of SEA 190-2008, has had Engrossed Senate Bill 360 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 360 be corrected as follows:

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 5. IC 15-11-11-2, AS ADDED BY SEA 190-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural components):

(1) consisting of:

(1) (A) a tank;

(2) (B) a pump; and

(3) (C) other components; and

(2) that is used by either:

(A) a person engaged in the business of selling motor fuel at retail to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle; or

(B) a unit to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle owned or leased by the unit.

SECTION 6. IC 15-11-11-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.5. As used in this chapter, "unit" means a city, town, county, or township.

SECTION 7. IC 15-11-11-7, AS ADDED BY SEA 190-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Subject to subsection (c), the department may award a grant under this chapter to a person or unit that:

(1) makes a qualified investment; and

(2) places the qualified investment in service; in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the department's department and the office of energy and defense development.

(c) The department may not award more than one (1) grant under this chapter for a location.

SECTION 8. IC 15-11-11-8, AS ADDED BY SEA 190-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Subject to subsection (b), the ~~department's department and the~~ office of energy and defense development shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter **for a location** may not exceed the lesser of the following:

(1) The amount of the ~~person's~~ **grant recipient's** qualified investment **for the location**.

(2) ~~Five Twenty~~ thousand dollars ~~(\$5,000)~~ **(\$20,000)**. ~~for all qualified investments made by the person at a single location.~~

(c) The amount of a grant awarded under this chapter for a location may be less than the amount of the grant recipient's qualified investment for the location."

Renumber all SECTIONS consecutively.

(Reference is to ESB 360 as reprinted February 19, 2008.)

PELATH, Chair
FOLEY, R.M.M.
GRUBB, Sponsor

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 67

Representative Lehe introduced House Resolution 67:

A HOUSE RESOLUTION congratulating the Frontier livestock judging team on winning championship honors at the Eastern National Livestock Show.

Whereas, Participation on a livestock judging team gives young people the opportunity to learn the skill of livestock evaluation and to express their opinions through oral presentation;

Whereas, Livestock judging team members learn to apply scientific principles of animal growth, evaluation, and selection to different types of animals and to analyze breeding and market classes of beef cattle, swine, and sheep;

Whereas, Livestock judging competitions are held throughout the United States, challenge the team members, and determine the knowledge and communication skills that the team members have obtained;

Whereas, There are three levels in livestock judging competitions—area, state, and national;

Whereas, To qualify for the judging team, participants must be active in either the FFA or 4-H organizations;

Whereas, Only the top six teams at the state contest are eligible to compete at the national level, and the Frontier judging team placed fourth at the state level;

Whereas, The team members' talents and hard work were rewarded when they took championship honors at the Eastern National Livestock Contest which was held September 14-17, 2007, in Timonium, Maryland;

Whereas, The team included three sisters—Courtney, Carly and Bailey Wesner as well as Brittany Warren. Brittany Warren participated as a substitute for Jake Sullivan who competed in the area and state contests but who was in college and unable to compete at the time of the national competition;

Whereas, The group was provided expertise and direction by John Culver, Agriculture and FFA teacher at Frontier Junior-Senior High School;

Whereas, The team also placed first in the swine division, first in the placing division, second in the sheep division, second in the beef division, and second in oral reasons;

Whereas, In addition to the team's accomplishments, Carly Wesner was high individual, Bailey Wesner was sixth overall, and Courtney Wesner placed eighth;

Whereas, Carly Wesner was high individual in swine, third in beef, sixth in oral reasons, and seventh in sheep;

Whereas, Bailey Wesner placed fourth in swine, tenth in sheep, thirteenth in beef, and fifteenth in reasons;

Whereas, Courtney Wesner placed seventh in oral reasons, eighth in swine, thirteenth in sheep, and fifteenth in beef;

Whereas, Brittany Warren placed eleventh in swine and seventeenth in beef;

Whereas, The livestock judging team excelled in this highly competitive environment, demonstrated their knowledge and leadership skills, and is a source of pride and inspiration to their school, community and state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly congratulates the Frontier livestock judging team for their outstanding performance in the Eastern National Livestock Show and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Courtney Wesner, Carly Wesner, Bailey Wesner, Brittany Warren and to coach John Culver.

The resolution was read a first time and adopted by voice vote.

House Resolution 68

Representative Dvorak introduced House Resolution 68:

A HOUSE RESOLUTION urging the Legislative Council to establish the Growth and Development Study Committee.

Whereas, More information is needed regarding the impact of growth and development incentives on our communities and our environment: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the committee, if established, shall examine incentives for growth and development and study the impact of growth and development on taxes, transportation funding, energy policy, and the environment.

SECTION 2. That the committee, if established, shall study the following:

(1) Incentives for growth and development, including:

- (A) the efficacy of existing incentives;
- (B) incentives available in other states; and
- (C) new incentive policies.

(2) The impact of growth and development on:

- (A) tax rates;
- (B) transportation funding;
- (C) energy policies; and
- (D) the environment.

SECTION 3. That the committee, if established, shall make recommendations to the general assembly concerning the most efficient process to plan for growth and development at the state and local levels. The recommendations must include the committee's determinations concerning the following:

- (1) A process that leads to development decisions that are predictable, fair, and cost effective.
- (2) A process that directs development toward existing communities and makes use of existing infrastructure.
- (3) A process that integrates fiscal, transportation, energy, and environmental policies with land use planning.
- (4) A process that encourages the preservation of farmland, open space, and critical environmental areas.

SECTION 4. That the committee, if established, shall operate under the direction of the legislative council, and that the

committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 69

Representatives Grubb and Richardson introduced House Resolution 69:

A HOUSE RESOLUTION honoring those who have served as legislative interns for the Indiana House of Representatives during the Second Regular Session of the 115th Indiana General Assembly.

Whereas, The following have served as legislative interns for the Democrat Caucus of the Indiana House of Representatives during the Second Regular Session of the 115th Indiana General Assembly: Jessica Leigh Adams, Amber Jade Bacavis, Danielle Nicole Bargo, Hannah Katherine Brown, Roderick Quincy Blount, Jr., Nicholas Alexander Hart Carson, James Michael Cox, Jeramy Dean Durham, Meredith Lee Edwards, Brittany Gerig, Arneasha Shanté Greer, Jamie Hagemeyer, Raymond Chadwick Hart, Andrew James Hawkins, Joseph Thomas Hynes, Andrew Kenny, Jennifer Sue Bernice Kakasuleff, Jessica McCreight, Nathaniel James O'Neil, Thomas Fletcher Price, Adam Schaaf, Michele Scott, Andrew Seibert, Rebecca Elizabeth Ternes, Robert Michael Wells, Felecia Pauline Williams;

Whereas, The following have served as legislative interns for the Republican Caucus of the Indiana House of Representatives during the Second Regular Session of the 115th Indiana General Assembly: Bradford Sterling Casselman, Ashley Nicole Graves, Stephanie Diane Gross, Emily Susan Hall, Sheri Renae Hart, Andrew Joseph Hill, Emily Marie Landis, Christopher Joseph Lehe, Kathryn Ruth Lockwood, Ethan Welles Miller, Anthony Chris Mitson, Dereck David Mobley, Rebecca Adelle Nelson, Ben Ng-Gomez, Justine Nicole O'Neill, Carly Jessica Robbins, Kaylee Anne Showers, Jacob Louis Teshka, Christopher Ryan Warnick, Matthew Brandon Wells;

Whereas, The work of the interns is vital to the success of each session of the Indiana General Assembly;

Whereas, The members of the Indiana House of Representatives wish to express their gratitude to this group of individuals who consider public service a calling; and

Whereas, The legislative interns serving in 2008 represent the diversity and dedication that promotes compassionate service to each members' constituency and to the entire legislative process: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the important contributions of the individuals who are serving as legislative interns with the Indiana House of Representatives during the Second Regular Session of the 115th Indiana General Assembly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each legislative intern.

The resolution was read a first time and adopted by voice vote.

Gail Given of Verizon presented awards to the Interns of the Year: Democrat Andrew Kenny, who worked for the Ways and Means office, and Republican Justine O'Neill, who worked for Representatives Cherry, Duncan, Gutwein, and Wolkins.

House Resolution 70

Representatives Stilwell and Grubb introduced House Resolution 70:

A HOUSE RESOLUTION honoring Representative Carolene R. Mays.

Whereas, The Indiana House of Representatives will be losing a valued member with the retirement of Representative Carolene Mays;

Whereas, Representative Mays has been a member of the Indiana House of Representatives since 2002;

Whereas, Representative Mays has served the constituency of House District 94 to the best of her ability, serving on the Public Health; Small Business and Economic Development, Vice-Chairperson; and Ways and Means Committees;

Whereas, Representative Mays is the President and Publisher of The Indianapolis Recorder and The Indiana Minority Business Magazine;

Whereas, Representative Mays is the founder and director of the Community Resource and Health Fair and cofounder of the nationwide African American News and Information Consortium;

Whereas, Representative Mays is a member of Alpha Kappa Alpha Sorority, United Ways Minority Key Club, National Council of Negro Women, and Society of Professional Journalists and serves as a director of Indiana Women in Government;

Whereas, Representative Mays graduated from Indiana State University with a Bachelor of Science and has been honored as an Indiana State University Distinguished Alumni;

Whereas, Representative Mays is a member of the Eastern Star Church; and

Whereas, The retirement of Representative Carolene Mays will be a sad day for her legislative family and her constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Carolene Mays for her years of dedicated and honorable service to her constituency and the state of Indiana and wishes her happiness and contentment in her retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Carolene Mays and her family.

The resolution was read a first time and adopted by voice vote.

House Resolution 71

Representatives Day, Murphy, and Bardon introduced House Resolution 71:

A HOUSE RESOLUTION honoring St. Mary's Catholic Church on their 150th anniversary.

Whereas, St. Mary's Catholic Church was founded on August 15th, 1858;

Whereas, The people of Indiana take pride in their places of worship and appreciate their efforts to improve the quality of life in our communities;

Whereas, The congregation moved from its original location near E. Maryland and S. Delaware Streets to 317 N. New Jersey Street in 1912 where German born architect Hermann Gaul designed a beautiful Gothic revival style church;

Whereas, The elegant limestone building features twin spires reaching 165 feet high, a downtown landmark which was placed on the National Register of Historic Places by the United States Department of the Interior in 1977;

Whereas, This historic church has an inspiring record of serving a diverse population, initially responding to the spiritual

and practical needs of German immigrants, and more recently to those of Hispanic backgrounds;

Whereas, St. Mary's Catholic Church has benefitted from the leadership and guidance of priests with deep roots in the parish including: Rev. Anthony R. Scheideler who served an impressive 44 years as pastor, Father Victor L. Goossens who helped revive the parish and promoted outreach efforts to an emerging Spanish speaking community, Father Mauro Rodas, the first Hispanic pastor who had special interest in the religious education of children of Hispanic background and current pastor Father Michael O'Mara who has assembled an effective bilingual leadership team;

Whereas, The Sisters of St. Francis (Oldenburg) staffed the parish school for over a half century providing an invaluable education for the children of the area;

Whereas, The Sisters continue to make major contributions to the well-being of the parish including the previous outreach efforts of Sr. Roseanne Taylor, OSF, the development of the Hispanic Apostolate directed by Sr. Mary Catherine Duffy, SP, and the good work of the current pastoral associate Sr. Therese Wentz, OSF;

Whereas, An active parish council encouraged by Fr. O'Mara has produced a number of parish leaders including Carlos Ramirez-Rios, Prisca Arredondo, Jeff Vessely, Dr. Janet Arno, and John Weisenbach, who have all served as President of the Council; and

Whereas, An active St. Vincent de Paul Society, the Mobile Medical Center led by Dr. Arno and ongoing participation in the Riley-Lockerbie Ministerial Association give added witness to the valuable role played by the parish in the neighborhood: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to gratefully recognize the many contributions of St. Mary's Catholic Church and its parishioners and to congratulate them on their sesquicentennial celebration.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to St. Mary's Catholic Church and its pastor Father Michael O'Mara.

The resolution was read a first time and adopted by voice vote.

House Resolution 72

Representative Bischoff introduced House Resolution 72:

A HOUSE RESOLUTION recognizing Rivertown Players, Inc.

Whereas, Rivertown Players, Inc. was created in 1982 to "promote, encourage, and develop theater and musical appreciation as well as participation by the citizens of Southeastern Indiana";

Whereas, The Rivertown Players' first production, Fiddler on the Roof, has been followed by more than 100 musicals, plays, and concerts;

Whereas, In an effort to help young Hoosiers continue their education in theater arts, Rivertown Players, Inc. awards scholarships every year to graduating seniors; and

Whereas, The theater has the power to educate, entertain, inspire, and change, and, for more than 25 years, Rivertown Players, Inc. has helped bring joy and light into the lives of the citizens of Southeastern Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the contributions made by Rivertown Players, Inc. and acknowledges the many hours of fine entertainment given to the citizens of our state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the board of directors of Rivertown Players, Inc.

The resolution was read a first time and adopted by voice vote.

House Resolution 73

Representative V. Smith introduced House Resolution 73:

A HOUSE RESOLUTION recognizing April as Parenting Awareness Month.

Whereas, Parenting Awareness Month helps to emphasize the importance of effective parenting in nurturing children to become caring and contributing citizens;

Whereas, Parenting Awareness Month celebrates people raising children and promotes resources to help with this important task;

Whereas, Informed and effective parenting is a key factor in preventing alcohol, tobacco, and other drug abuse problems; and

Whereas, Parenting Awareness Month can help to draw public attention to the critical importance of parenting for raising children who grow up to be healthy, caring, and contributing citizens: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the importance of good parenting in the development of children into productive members of our society.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to From-The-Heart Parenting, Inc.

The resolution was read a first time and adopted by voice vote.

House Resolution 74

Representatives Bosma, Friend, and Richardson introduced House Resolution 74:

A HOUSE RESOLUTION recognizing Representative Lawrence Buell on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Representative Lawrence Buell has faithfully and zealously represented House District 89 from 1980-1992 and then again from 1994 until his retirement in 2008;

Whereas, Representative Buell has played an integral part in the workings of the Indiana House of Representatives as a member of the Ways and Means and Elections and Apportionment committees;

Whereas, Long remembered as an outspoken opponent of class basketball, Representative Buell has authored numerous bills during his career, including legislation that created a college savings plan deduction, and he co-authored a bill that protects employees from punishment for serving jury duty and increases the number of judges on the Marion County Superior Court;

Whereas, Representative Buell has served as a Republican Precinct Committeeman, Vice Ward Chairman, Ward Chairman, Warren Township Coordinator, and Warren Township Assistant Chairman;

Whereas, Representative Buell also served as treasurer for the Lugar for Senate Committee in 1974 and was a candidate for the United States Congress in 1976;

Whereas, Representative Buell graduated from Ball State University in 1956 with a Bachelor of Science degree in Business Administration and from Indiana University with a Master's in Business Administration in 1960;

Whereas, Representative Buell has served as an accountant for Magnavox Company in Fort Wayne, served his country in the United States Army from 1957 to 1959, served as audit supervisor and accountant for Ernst and Ernst in Indianapolis, served as Treasurer for Marion County, acting controller for the Saturday Evening Post in Indianapolis, and enjoyed a 17 1/2-year relationship with the Health and Hospital Corporation of Marion County where he served as Treasurer and Executive Director;

Whereas, Active in his community, Representative Buell is a United States Army veteran, a member of the American Institute of CPAs, the Indiana CPA Society, the American Legion, the Moose Lodge, and the Southport Presbyterian Church;

Whereas, The departure of Representative Buell will be a great loss to the Indiana House of Representatives;

Whereas, Representative Buell will be remembered by his colleagues for his strong leadership and his wry sense of humor; and

Whereas, The Indiana House of Representatives will miss the sound wisdom and even disposition that Representative Lawrence Buell has brought to our chamber and our state throughout his legislative career: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Lawrence Buell for his years of dedicated service to his constituents and the state of Indiana and wishes him happiness and success in retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representatives Lawrence Buell and his family.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

House Resolution 75

Representatives Stilwell and Grubb introduced House Resolution 75:

A HOUSE RESOLUTION honoring Representative Dave L. Crooks.

Whereas, The Indiana House of Representatives will be losing a valued member with the retirement of Representative Dave Crooks;

Whereas, Representative Crooks has been a member of the Indiana House of Representatives since 1996;

Whereas, Representative Crooks has served the constituency of House District 63 covering Daviess, Dubois, Martin and Pike counties to the best of his ability;

Whereas, Representative Crooks has served on numerous legislative standing and interim committees, covering a wide range of topics, including currently serving as Chairman of the Committee on Commerce, Energy, and Utilities and also serves as a member of the Committee on Small Business and Economic Development and Committee on Technology, Research and Development Committees;

Whereas, Representative Crooks serves as the President, DLC Media, Inc., WAMW AM-FM and WFML-FM Radio;

Whereas, Representative Crooks is a member of the Rotary,

Elks and Moose fraternal organizations; and

Whereas, The retirement of Dave Crooks will be a sad day for his legislative family and his constituents: Therefore:

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Dave Crooks for his dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Dave Crooks and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 76

Representatives Bosma, Friend, and Richardson introduced House Resolution 76:

A HOUSE RESOLUTION recognizing Representative Michael Ripley on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Elected to represent House District 79, Representative Michael Ripley has faithfully and zealously served the constituency of Adams, Allen, and Wells counties since 1996;

Whereas, Representative Ripley has played an integral part in the workings of the Indiana House of Representatives as a member of the Insurance Committee, the Financial Institutions Committee, and the Labor and Employment Committee;

Whereas, Representative Ripley has been instrumental in passing legislation for consumer protection relating to credit scoring and insurance rates, including House Enrolled Act 1239, which was designed to create a more competitive individual health insurance market in Indiana, and House Enrolled Act 1392, which consolidates the guaranty fund from a multi-state level to a one-state level;

Whereas, A graduate of Ball State University with a major in criminal justice and a minor in Spanish, Representative Ripley worked as an Adams County probation officer after graduation;

Whereas, Representative Ripley is also a former Adams County Commissioner and executive director of the Economic Development Committee of the Berne Chamber of Commerce;

Whereas, Active in his community, Representative Ripley is a member of the Monroe United Brethren Church, where he has served as a board member, taught Sunday school, and led Bible study groups;

Whereas, The departure of Representative Ripley will be a great loss to the Indiana House of Representatives, where he will be remembered by his colleagues for his strong leadership; and

Whereas, The Indiana House of Representatives will miss the sound wisdom that Representative Michael Ripley brought to our chamber and our state throughout his legislative career: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Michael Ripley for his years of dedicated service to his constituents and the state of Indiana and wishes him happiness and success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Michael Ripley and his family.

The resolution was read a first time and adopted by voice

vote.

House Resolution 77

Representatives Stilwell and Grubb introduced House Resolution 77:

A HOUSE RESOLUTION honoring Representative George Philip Hoy.

Whereas, The Indiana House of Representatives will be losing a valued member with the retirement of Representative Phil Hoy;

Whereas, Representative Hoy has been a member of the Indiana House of Representatives since 2004;

Whereas, Representative Hoy has served the constituency of House District 77 covering Vanderburgh and Warrick Counties to the best of his ability;

Whereas, Before becoming a member of the Indiana House of Representatives, Representative Hoy served on the Vanderburgh County Council for 12 years;

Whereas, Representative Hoy is the president of the Evansville Area Community of Churches, chairman of Vanderburgh County's annual CROP Hunger Walk, a member of the board of directors of Matthew 25 AIDS Services, and previously served as a member of the board of directors of Harvest Time Inner City Ministries;

Whereas, Representative Hoy received a Bachelor of Arts from Kentucky Wesleyan University and a Master of Divinity from Southern Baptist Theological Seminary;

Whereas, Representative Hoy serves as the pastor of Zion United Church of Christ in Henderson, Kentucky; and

Whereas, The Indiana House of Representatives will greatly miss the presence and efforts of Representative Phil Hoy: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Phil Hoy for his dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Phil Hoy and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 78

Representatives Stilwell and Grubb introduced House Resolution 78:

A HOUSE RESOLUTION honoring Representative David Orentlicher.

Whereas, The Indiana House of Representatives will be losing a valued member of the family with the retirement of Representative David Orentlicher;

Whereas, Representative Orentlicher has been a member of the Indiana House of Representatives since 2002;

Whereas, Representative Orentlicher has served the constituency of House District 86 to the best of his ability, serving as the Chairman of the Committee on Small Business and Economic Development, and serving as a member of the Committee on Insurance and the Committee on Technology, Research, and Development;

Whereas, Representative Orentlicher is a doctor, lawyer, and Samuel R. Rosen Professor of Law at Indiana University School of Law-Indianapolis;

Whereas, Representative Orentlicher has served as an ethics

consultant for Methodist, University and Wishard Hospitals;

Whereas, Representative Orentlicher has authored numerous books on a variety of subjects including medical ethics and the law;

Whereas, Representative Orentlicher is a board member for the Damien Center, Highland-Kessler Civic League, Indiana Coalition Against Sexual Assault and MLK Multi-Service Center;

Whereas, Representative Orentlicher graduated from Brandeis University, Harvard Medical School and Harvard Law School;

Whereas, Representative Orentlicher belongs to the congregation of Beth-El Zedeck in Indianapolis; and

Whereas, The retirement of Representative David Orentlicher will be a sad day for his legislative family and his constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative David Orentlicher for his years of dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative David Orentlicher and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 79

Representatives Stilwell and Grubb introduced House Resolution 79:

A HOUSE RESOLUTION honoring Representative Joe Micon.

Whereas, The Indiana House of Representatives will be losing a valued member with the retirement of Representative Joe Micon;

Whereas, Representative Micon has been a member of the Indiana House of Representatives since 2004;

Whereas, Representative Micon has served the constituency of House District 26 covering Tippecanoe and Warren counties to the best of his ability,

Whereas, Before becoming a member of the Indiana House of Representatives, Representative Micon served on the Warren County Council;

Whereas, Representative Micon is also a member of the West Lafayette Rotary Club, National Association of Social Workers, the Vision 20/20 Education Roundtable and Junior Achievement volunteer;

Whereas, Representative Micon received a Bachelor of Science from Purdue University and Master of Social Work from Indiana University;

Whereas, Representative Micon is a member of St. Thomas Aquinas Catholic Church; and

Whereas, The retirement of Joe Micon will be a sad day for his legislative family and his constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Joe Micon for his dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Joe Micon and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 80

Representatives Bosma, Friend, and Richardson introduced House Resolution 80:

A HOUSE RESOLUTION recognizing Representative Eric Gutwein on his retirement from the Indiana House of Representatives.

Whereas, Representative Eric Gutwein has faithfully and zealously represented House District 16 made up of Cass, Fulton, Jasper, Pulaski, and White counties;

Whereas, Since 2002, Representative Gutwein has played an integral part in the workings of the Indiana House of Representatives as a member of the Agriculture and Rural Development Committee, the Labor and Employment Committee, and the Natural Resources Committee, serving as Ranking Republican Member on the Agriculture and Rural Development Committee;

Whereas, During his time in the Indiana General Assembly, Representative Gutwein helped to make Indiana's agricultural sector a priority by creating the Indiana State Department of Agriculture, which united all agricultural responsibilities under one agency;

Whereas, Representative Gutwein has served the Republican Party faithfully on the local, state, and federal levels for many years;

Whereas, Before becoming a member of the Indiana House of Representatives, Representative Gutwein served as the President and CEO of many businesses, including Fred Gutwein and Sons, Incorporated; Flora Seeds; FG and S Trucking; and Indiana Small Plots;

Whereas, Active in his community, Representative Gutwein supports the Rensselaer Summer Swim Team and the USA Swimming Program and is a member of the Rotary Club and the Saint Joseph's College Council of Fellows;

Whereas, The departure of Representative Gutwein will be a great loss to the Indiana House of Representatives;

Whereas, The Indiana House of Representatives will miss the sound wisdom and even disposition that Representative Eric Gutwein brought to our chamber and our state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Eric Gutwein for his years of dedicated service to his constituents and the state of Indiana and wishes him happiness and success in retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Eric Gutwein and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 81

Representatives Bosma, Friend, and Richardson introduced House Resolution 81:

A HOUSE RESOLUTION recognizing Representative Jon Elrod on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Representative Jon Elrod will be leaving the Indiana House of Representatives at the end of this legislative

session after two years of service;

Whereas, Representative Elrod, a Republican from Indianapolis, has faithfully and loyally represented House District 97 in Marion County;

Whereas, Representative Elrod has played an important role in the workings of the Indiana House of Representatives, serving on the Courts and Criminal Code Committee and the Local Government Committee;

Whereas, A partner in his family's general practice law firm, Representative Elrod's areas of expertise include small businesses, contracts, real estate, family law, personal injury, municipal law, estate planning, and probate;

Whereas, A graduate of Franklin Central High School, Representative Elrod attended Xavier University in Cincinnati, Ohio, where he majored in history and minored in performance studies (theater), receiving his B.A. magna cum laude in 1999;

Whereas, Representative Elrod studied law at Indiana University School of Law-Bloomington where he was on the editorial staff of the Indiana Law Journal, and he studied overseas in conjunction with the University of London School of Advanced Legal Studies, receiving his J.D. cum laude in 2002;

Whereas, Representative Elrod began his political career by running a victorious campaign for the Center Township Advisory Board;

Whereas, Representative Elrod served on the Center Township Advisory Board until he was sworn into the Indiana House of Representatives on November 20, 2006; and

Whereas, The departure of Representative Elrod will be a great loss to the House of Representatives, and he will be greatly missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Jon Elrod for his hard work and dedication and wishes him well in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Jon Elrod and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 82

Representative Welch introduced House Resolution 82:

A HOUSE RESOLUTION honoring Horace Daniel "Dannie" Shute.

Whereas, Horace Daniel "Dannie" Shute was born on July 27, 1897, to Joseph M. and Ella Richardson Shute;

Whereas, Horace Shute married Mable Iva Crane in 1916 and set up housekeeping on property two miles north of Solsberry;

Whereas, Horace Shute began a career with the United States Postal Service in 1922 carrying the mail on the rural route out of the Solsberry Post Office using a horse and buggy;

Whereas, In 1927, Horace used his first motorized vehicle, a 1927 Ford Model T, to deliver the mail;

Whereas, Ever the considerate and caring person, Horace Shute left a thank you note in the mailboxes of each of his acquaintances on his route on the last day of his postal career;

Whereas, Horace Shute was well known throughout the communities of Hendricksville, McVille, Newark, and Solsberry for his acts of kindness;

Whereas, Horace Shute did not seek any recognition or thanks for these acts; in fact, he shunned away from recognition

for his good deeds;

Whereas, Horace Shute preferred to help his neighbors anonymously;

Whereas, Horace Daniel "Dannie" Shute passed away from heart failure in 1983; and

Whereas, Horace Daniel "Dannie" Shute was respected and revered by several generations as a man who lived the Biblical admonition to "Love your neighbor as yourself": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize the many contributions made by Horace Daniel "Dannie" Shute by naming the new bridge on State Highway 43 near Solsberry the Horace Daniel "Dannie" Shute Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Horace Daniel "Dannie" Shute and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 83

Representative Hoy introduced House Resolution 83:

A HOUSE RESOLUTION urging the legislative council to assign to the Sentencing Policy Study Committee the topic of ignition interlock devices.

Whereas, Alternative sentencing programs exist, including the mandatory use of ignition interlock devices; and

Whereas, It behooves the state to investigate these alternative sentencing programs: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the Sentencing Policy Study Committee the topic of ignition interlock devices.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 84

Representative Hoy introduced House Resolution 84:

A HOUSE RESOLUTION urging the legislative council to assign the topics considered in SB 180 to the Sentencing Policy Study Committee to consider the best manner of expanding the scope of Indiana's child seduction statute without creating unintended consequences.

Whereas, Sexual conduct between school personnel and high school students is a matter of grave concern in Indiana;

Whereas, Indiana's current prohibition against sexual conduct between school personnel and older high school students applies only to personnel actually employed by the school and does not extend to school volunteers or contract employees who may work at the school;

Whereas, Senate Bill 180-2008 attempts to tighten Indiana's child seduction statute by making the statute apply to persons "affiliated with" a school and not just to those formally employed by the school; and

Whereas, The term "affiliated with" may be overly subjective and open to interpretation: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign

SB 180-2008 to the Sentencing Policy Study Committee to consider the best manner of expanding the scope of Indiana's child seduction statute without creating unintended consequences. In addition, the sentencing policy study committee may consider:

(1) whether the provisions of the SB 180-2008 concerning interference with custody should be part of a separate bill; and

(2) any other appropriate issue related to child seduction and interference with custody.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 85

Representative Hoy introduced House Resolution 85:

A HOUSE RESOLUTION urging the legislative council to assign to the Sentencing Policy Study Committee the subject of the statute of limitations on sex crimes.

Whereas, Sex crimes are among the most heinous crimes committed in our society; and

Whereas, Our criminal justice system should be able to prosecute these crimes regardless of the length of time elapsed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the Sentencing Policy Study Committee the subject of the statute of limitations on sex crimes.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 86

Representative Hoy introduced House Resolution 86:

A HOUSE RESOLUTION urging the legislative council to assign to the Sentencing Policy Study Committee the topic of enhanced penalties for operating motor vehicles recklessly and causing bodily injury or serious bodily injury.

Whereas, A person who operates a motor vehicle recklessly, including passing a school bus stopped on a roadway with the arm signal device in the extended position, commits a Class B misdemeanor;

Whereas, This penalty is the same whether the person damages property or causes bodily injury or serious bodily injury to a human being; and

Whereas, Current law requires the court to recommend that a person's driving privileges be suspended for 30 days to one year for damaging property but does not provide for suspension of driving privileges for causing bodily injury or serious bodily injury: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the Sentencing Policy Study Committee the topic of enhanced penalties for operating motor vehicles recklessly and causing bodily injury or serious bodily injury.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 329 Advisor: Robertson removed

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1036, 1169, 1185, and 1271 on March 10.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1165-1; filed March 10, 2008, at 4:11 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1165 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-20-1-4, AS AMENDED BY P.L.99-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

- (1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;
- (4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;
- (5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;
- (6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;
- (7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage

loan, or a loan of any type permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;

(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for individuals with a developmental disability or for individuals with a mental illness or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for individuals with a developmental disability or for individuals with a mental illness;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing;

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7;

(30) to promote and foster community revitalization through community services and real estate development;

(31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals **and families, including individuals or families facing or experiencing homelessness;**

(32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(33) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(34) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose

adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of purchasing or participating in the purchasing from mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars (\$95,000);

(C) to be used as the purchaser's principal residence; and

(D) for which the purchaser has made a down payment in an amount determined by the authority;

(2) no mortgage loan exceeds seventy-five thousand dollars (\$75,000);

(3) any bonds or notes issued which are backed by mortgage loans purchased by the authority under this subsection shall be offered for sale to the retirement plans covered by IC 5-10-1.7; and

(4) qualified members of a retirement plan shall be given preference with respect to the mortgage loans that in the aggregate do not exceed the amount invested by their retirement plan in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under this subsection.

(d) As used in this section, "a qualified member of a retirement plan" means an active or retired member:

(1) of a retirement plan covered by IC 5-10-1.7 that has invested in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under subsection (c); and

(2) who for a minimum of two (2) years preceding the member's application for a mortgage loan has:

(A) been a full-time state employee, teacher, judge, police officer, or firefighter;

(B) been a full-time employee of a political subdivision participating in the public employees' retirement fund;

(C) been receiving retirement benefits from the retirement plan; or

(D) a combination of employment and receipt of retirement benefits equaling at least two (2) years.

(e) The authority, when directed by the governor, shall administer programs and funds under 42 U.S.C. 1437 et seq.

(f) The authority shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the authority using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing this subsection.

(g) **The authority shall:**

(1) **oversee and encourage a regional homeless delivery system that:**

(A) **considers the need for housing and support services;**

(B) **implements strategies to respond to gaps in the delivery system; and**

(C) **ensures individuals and families are matched with optimal housing solutions;**

(2) **facilitate the dissemination of information to assist individuals and families accessing local resources, programs, and services related to homelessness, housing, and community development; and**

(3) each year, estimate and reasonably determine the number of the following:

(A) Individuals in Indiana who are homeless.

(B) Individuals in Indiana who are homeless and less than eighteen (18) years of age.

(C) Individuals in Indiana who are homeless and not residents of Indiana.

SECTION 2. IC 20-26-11-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

(1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and

(3) shall include the student in the school corporation's ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

SECTION 3. IC 20-50 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 50. HOMELESS CHILDREN AND FOSTER CARE CHILDREN

Chapter 1. School Corporation Liaison for Homeless Children

Sec. 1. (a) As used in this chapter, "homeless child" means a minor who lacks a fixed, regular, and adequate nighttime residence.

(b) The term includes:

(1) a child who:

(A) shares the housing of other persons due to the child's loss of housing, economic hardship, or a similar reason;

(B) lives in a motel, hotel, or campground due to the lack of alternative adequate accommodations;

(C) lives in an emergency or transitional shelter;

(D) is abandoned in a hospital or other place not intended for general habitation; or

(E) is awaiting foster care placement;

(2) a child who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) a child who lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing, or a similar setting; and

(4) a child of a migratory worker who lives in circumstances described in subdivisions (1) through (3).

Sec. 2. The department shall establish an office of coordinator for education of homeless children as required

by 42 U.S.C. 11431 et seq.

Sec. 3. Each school corporation shall appoint an employee to be the school corporation's liaison for homeless children as required by 42 U.S.C. 11431 et seq.

Sec. 4. Each school corporation shall report to the department, by August 1 of each year, the name and contact information of the school corporation's liaison for homeless children.

Sec. 5. Each school corporation that has an Internet web site shall post the contact information of the school corporation's liaison for homeless children on the school corporation's Internet web site.

Sec. 6. Each year, the department shall provide training to individuals who are appointed under section 3 of this chapter as liaisons for homeless children.

Chapter 2. Tutoring and Mentoring for Homeless Children and Foster Care Children

Sec. 1. This chapter applies after June 30, 2009.

Sec. 2. As used in this chapter, "homeless child" has the meaning set forth in IC 20-50-1-1.

Sec. 3. Each school corporation shall provide tutoring for a child enrolled in a school operated by the school corporation who is:

(1) in foster care; or

(2) a homeless child;

if the school corporation determines the child has a demonstrated need for tutoring.

Chapter 3. Transportation of Students in Foster Care

Sec. 1. This chapter applies after June 30, 2009.

Sec. 2. As used in this chapter, "original school corporation" means the school corporation in which the school of origin of a student in foster care is located.

Sec. 3. As used in this chapter, "school of origin" means the school:

(1) that a student in foster care attended when the student last had a permanent residence; or

(2) in which a student in foster care was last enrolled.

Sec. 4. As used in this chapter, "transitional school corporation" means the school corporation in which a student in foster care temporarily stays.

Sec. 5. (a) If a student in foster care temporarily stays in the student's original school corporation but outside the attendance area of the student's school of origin, the original school corporation shall provide transportation for the student from the place where the student is temporarily staying to the school of origin and from the school of origin to the place where the student is temporarily staying.

(b) If:

(1) the school of origin of a student in foster care is located in a school corporation other than the school corporation in which the student is temporarily staying;

(2) the school of origin is located in a school corporation that adjoins the school corporation in which the student is temporarily staying; and

(3) the student does not elect to attend a school located in the school corporation in which the student in foster care is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the student to and from the school of origin.

(c) If the original school corporation and the transitional school corporation described in subsection (b) are unable to reach an agreement under subsection (b), the responsibility for transporting the student in foster care to and from the school of origin is shared equally between both school corporations, and the cost of transporting the student to and from the school of origin is apportioned equally between both school corporations.

SECTION 4. IC 31-9-2-13, AS AMENDED BY

P.L.138-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

- (1) Children born out of wedlock to the parties.
- (2) Children born or adopted during the marriage of the parties.
- (b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.
- (c) "Child", for purposes of IC 31-19-5, includes an unborn child.
- (d) **Except as otherwise provided in this section, "child", for purposes of the juvenile law, means:**
 - (1) a person who is less than eighteen (18) years of age;
 - (2) a person:
 - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and
 - (B) who either:
 - (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
 - (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or
 - (3) a person:
 - (A) who is alleged to have committed an act that would have been murder if committed by an adult;
 - (B) who was less than eighteen (18) years of age at the time of the alleged act; and
 - (C) who is less than twenty-one (21) years of age.
- (e) **"Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.**
- ~~(f)~~ (f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.
- ~~(g)~~ (g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:
 - (1) a child support order issued under IC 31-14-10 or IC 31-16-6; or
 - (2) any other child support order that is enforceable under IC 31-16-12.5.
- ~~(h)~~ (h) "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.
- ~~(i)~~ (i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 5. IC 31-9-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

SECTION 6. IC 31-9-2-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

- (1) represent and protect the best interests of a child; and
- (2) provide the child with services requested by the court, including:
 - (A) researching;
 - (B) examining;

- (C) advocating;
- (D) facilitating; and
- (E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 7. IC 31-9-2-116.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 116.5. "Services or items", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-1.**

SECTION 8. IC 31-9-2-117.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 117.3. "Sibling", for purposes of IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.**

SECTION 9. IC 31-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, ~~or~~ IC 31-17-7, **or IC 31-28-5**, may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.

SECTION 10. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Foster Care Sibling Visitation

Sec. 1. This chapter applies to:

- (1) a child who receives foster care that is funded by the department or a county office; and
- (2) a sibling of a child described in subdivision (1).

Sec. 2. The department shall make reasonable efforts to promote sibling visitation for every child who receives foster care, including visitation when one (1) sibling receives foster care and another sibling does not.

Sec. 3. A child, a child's foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visitation with the child's sibling if the child or the child's sibling, or both, receive foster care. If the department finds that the sibling visitation is in the best interests of each child who receives foster care, the department shall permit the sibling visitation and establish a sibling visitation schedule.

Sec. 4. (a) If the department denies a request for sibling visitation under section 3 of this chapter, the child's guardian ad litem or court appointed special advocate may petition the juvenile court with jurisdiction in the county in which the child receiving foster care is located for an order requiring sibling visitation.

(b) If the juvenile court determines it is in the best interests of the child receiving foster care to have sibling visitation, the juvenile court shall order sibling visitation and establish a schedule for the sibling visitation.

Sec. 5. (a) The juvenile court may appoint a guardian ad litem or court appointed special advocate if a child receiving foster care requests sibling visitation.

(b) The provisions of IC 31-17-6 apply to a guardian ad litem or court appointed special advocate appointed under this section.

SECTION 11. IC 31-36-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3. Homeless Children

Sec. 1. As used in this chapter, "services or items" includes food, clothing, personal hygiene products, health care, and counseling.

Sec. 2. A child may receive shelter and services or items that are directly related to providing shelter to the child from:

- (1) an emergency shelter;
- (2) a shelter care facility; or
- (3) a program that provides services or items that are directly related to providing shelter to individuals who are homeless or have a low income;

without the notification, consent, or permission of the child's parent, guardian, or custodian.

Sec. 3. (a) Except as provided in subsection (d), if a child voluntarily enters an emergency shelter or a shelter care facility, the shelter or facility shall notify the department, not later than twenty-four (24) hours after the child enters the shelter or facility, of the following:

- (1) The name of the child.
- (2) The location of the shelter or facility.
- (3) Whether the child alleges that the child is the subject of abuse or neglect.

(b) The department shall conduct an investigation concerning the child not later than forty-eight (48) hours after receiving notification from the emergency shelter or shelter care facility under subsection (a).

(c) The department shall notify the child's parent, guardian, or custodian that the child is in an emergency shelter or a shelter care facility not later than seventy-two (72) hours after the child enters the shelter or facility. However, if the department has reason to believe that the child is a victim of child abuse or neglect, the department may not notify the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered.

(d) An emergency shelter or a shelter care facility is not required to notify the department of a child who is an emancipated minor.

(Reference is to EHB 1165 as reprinted February 13, 2008.)

AVERY	BECKER
KNOLLMAN	SIPES
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1045:

Conferees: Merritt and R. Young
Advisors: Jackman and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1052:

Conferees: Riegsecker and Lanane
Advisors: Steele and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1293:

Conferees: Bray and Broden
Advisors: Becker and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 345 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Weatherwax, Chair; and Arnold
Advisors: Delph, Kruse, Hume, and Deig

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1042.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1065.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1341.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 81.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 176.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 360.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 10 and 334.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 22 and 51 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 10, 2008, I signed into law House Enrolled Acts 1108, 1113, 1124, and 1288.

MITCHELL E. DANIELS, JR.
Governor

Pursuant to House Rule 60, a meeting of the Committee on Rules and Legislative Procedures was announced.

On the motion of Representative Dobis, the House adjourned at 4:25 p.m., this tenth day of March, 2008, until Thursday, March 13, 2008, at 10:00 a.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives